

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

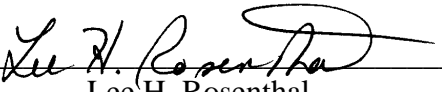
SHERRY L. PENNINGTON,	§	
	§	
Petitioner,	§	
	§	
v.	§	CIVIL ACTION NO. H-08-3616
	§	
MICHAEL ASTRUE,	§	
Commissioner of the Social Security	§	
Administration,	§	
	§	
Respondent.	§	

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION AND  
REMANDING**

This court has reviewed the Memorandum and Recommendation of the United States Magistrate Judge signed on February 9, 2010, and has made a *de novo* determination of the Magistrate Judge's recommended disposition. Rule 72(b), Fed. R. Civ. P.; 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). No objections have been filed. This court finds that the Memorandum and Recommendation should be, and is, adopted as this court's Memorandum and Order. This court finds that remand is required for the Administrative Law Judge to develop further the issue of the plaintiff's physical and mental impairments to determine whether she is disabled and whether she is capable of maintaining employment. This court grants the plaintiff's motion for summary judgment (Docket Entry No. 22), and denies the defendant's motion (Docket Entry No. 18), to the extent of requiring a remand.

This case is remanded to the Social Security Commission for further proceedings consistent with the Memorandum and Recommendation of the Magistrate Judge, adopted as the Memorandum and Opinion of this court.

SIGNED on February 23, 2010, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge